

MANDATE

United States Court of Appeals FOR THE SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 14th day of December, two thousand sixteen.

Present:

Dennis Jacobs,
José A. Cabranes,
Barrington D. Parker,
Circuit Judges.

NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

98 CRYSTAL PALACE RESTAURANT INC.,
D/B/A GRAND HARMONY RESTAURANT

Respondent

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No. 16-3375

Board Case No.:
02-CA-160359

JUDGMENT ENFORCING AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD

This cause was submitted upon the application of the National Labor Relations Board for summary entry of a judgment against Respondent, 98 Crystal Palace Restaurant Inc., d/b/a Grand Harmony Restaurant, its officers, agents, successors, and assigns, enforcing its order dated June 30, 2016, in Case No. 02-CA-160359, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent, 98 Crystal Palace Restaurant Inc., d/b/a Grand Harmony Restaurant, its officers, agents, successors, and assigns, shall abide by said order. (See attached Order and Appendix).

MANDATE ISSUED ON 12/14/2016

Mandate shall issue forthwith.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

A circular official seal of the United States Court of Appeals, Second Circuit, is stamped over the signature. The seal features the text "UNITED STATES" at the top, "SECOND CIRCUIT" in the center, and "COURT OF APPEALS" at the bottom, with stars on either side of the center text.

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

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NATIONAL LABOR RELATIONS BOARD

v.

98 CRYSTAL PALACE RESTAURANT INC.,
D/B/A GRAND HARMONY RESTAURANT

ORDER

98 Crystal Palace Restaurant Inc., d/b/a Grand Harmony Restaurant, its officers, agents, and representatives, shall

1. Cease and desist from
 - (a) Refusing to bargain with 318 Restaurant Workers Union about the effects of its decision to close the restaurant.
 - (b) In any like or related manner, interfering with, restraining or coercing employees in the rights guaranteed to them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
 - (a) Upon request, bargain with the Union about the effects on its employees employed at 98 Mott Street, New York, New York, and to pay these employees amounts at the rate of their normal wages when last in the Respondent's employ from 5 days after the date of this Decision until the occurrence of the earliest of the following conditions: (1) the date the Respondent bargains for agreement with the Union on those subjects pertaining to the effects of the closing; (2) a bona fide impasse in bargaining; (3) the failure of the Union to request bargaining within 5 days of this Decision, or to commence negotiations within 5 days of the Respondent's notice of its desire to bargain with the Union; or (4) the subsequent failure of the Union to bargain in good faith; but in no event shall the sum paid to any of these employees exceed the amount he would have earned as wages from August 25, 2015, the date on which the Respondent terminated its operations, to the time they secured equivalent employment elsewhere, or the date when the Respondent offers to bargain, whichever occurred

sooner; provided, however, that in no event shall this sum be less than these employees would have earned for a 2-week period at the rate of their normal wages when last in the Respondent's employ.

- (b) As the employer has closed the facilities involved in these proceedings, the Employer shall duplicate and mail, at its own expense, a copy of the notice attached hereto as Exhibit A to all current employees and former employees employed by the Employer at any time since August 25, 2015.

APPENDIX

NOTICE TO EMPLOYEES

POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES
COURT OF APPEALS ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this Notice.

Section 7 of the Act gives employees these rights.

To organize

Form, join, or assist any union

To bargain collectively through representatives of their own choice

To act together for other mutual aid or protection

To choose not to engage in any of these protected concerted activities.

WE WILL NOT refuse to bargain with 318 Restaurant Workers Union about the effects of our decision to close the restaurant.

WE WILL NOT in any like or related manner interfere with, restrain or coerce our employees in the rights guaranteed by Section 7 of the Act.

WE WILL, upon request, bargain collectively with 318 Restaurant Workers Union with respect to the effects of our decision to close our restaurant at 98 Mott Street, New York, New York, on the employees who were employed there, and reduce to writing any agreement reached as a result of such bargaining.

WE WILL pay the employees who were employed at the restaurant their normal wages for a period required by the Decision and Order of the National Labor Relations Board.

98 Crystal Palace Restaurant Inc.
d/b/a Grand Harmony Restaurant, Inc.

(Employer)

Dated: _____ By: _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor

practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlr.gov.

26 Federal Plaza, Room 3614, New York, NY 10278-0104
(212) 264-0300, Hours: 8:45 a.m. to 5:15 p.m.

The Administrative Law Judge's decision can be found at www.nlr.gov/case/02-CA-160359 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.



THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER, (212) 264-0346.